

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 13, 2002**

AGENDA ITEM NO.: **15**

CONSENT:

REGULAR: **X**

CLOSED SESSION:

ACTION: **X**

INFORMATION:

(Confidential)

ITEM TITLE: **Public Hearing Regarding Request By American Electric Power Company For Easement
At The Merritt Hutchinson Stadium**

RECOMMENDATION: Grant the requested easement.

SUMMARY:

American Electric Power Company has request an easement for its installation of upgraded electrical service to The Merritt Hutchinson Stadium to supply new lighting and planned renovations.

PRIOR ACTION(S):

PDC Review August 6, 2002

FISCAL IMPACT:

No fiscal impact.

CONTACT(S):

Michael Gambone 847-1360 ex 271

ATTACHMENT(S):

Easement agreement
Drawing

REVIEWED BY: lkp

Resolution:

BE IT RESOLVED That the Lynchburg City Council grants an easement to American Electric Power Company for the installation of underground electric service on City-owned property located at the Merritt Hutchinson Stadium

BE IT FURTHER RESOLVED That the City Manager is authorized to execute the necessary easement documents.

Adopted:

Certified:

Clerk of Council

166L



June 27, 2002

City of Lynchburg Public Works/Engineering
Mr. Mike Gambone
P O Box 60
Lynchburg VA 24505

Dear Mr. Gambone:

RE: Appalachian Power Company easement
Merritt Hutchinson Stadium
Map No. 3779-128 C3 and 129 A1

First of all, let me assure you that this is no problem at all. As I mentioned to you the other day, as long as we accomplish our goal that is what matters.

Enclosed you will find the easement and drawing. If everything is in order, just have the proper signatures notarized and return the completed original to me in the enclosed envelope.

Once again I appreciate your spirit of cooperation in this matter. Should you have any questions please contact me at 540 427-3606.

Sincerely,

A handwritten signature in cursive script that reads 'Robert E. Wilson'.

Robert E. Wilson
Right of Way Agent

RECEIVED
JUL 01 2002
ENGINEERING & TRAFFIC

The City of Lynchburg _____ Eas No. _____ R/W Map No. 3779 - 128 & 129
_____ W.O. No. 750-2601 Job No. 02-31058 Prop No. 1
_____ Line Merritt Hutchinson Stadium

THIS AGREEMENT, made this 9th day of May, 2002,

by and between THE CITY OF LYNCHBURG

a Municipal Corporation of the Commonwealth of Virginia, herein called "Grantor", and APPALACHIAN POWER COMPANY, a Virginia corporation, herein called "Appalachian",

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00), cash in hand paid to Grantor by Appalachian, the receipt whereof is hereby acknowledged, Grantor hereby grants, conveys, and warrants to Appalachian, its successors, assigns, lessees and tenants, a right of way and easement for an electric power line or lines, and communication lines, in, on, along, through, over, across or under the following described lands of the Grantor situated in **The City of Lynchburg**, State of Virginia.

Being a right of way and easement as shown on that certain Appalachian Power Company drawing entitled " Proposed Right of Way on Property of The City of Lynchburg (Merritt Hutchinson Stadium) " Numbered V - 1257, Dated 3-11-02, attached hereto and made a part hereof.

TOGETHER with the right, privilege and authority to Appalachian, its successors, assigns, lessees and tenants, to construct, erect, install, place, operate, maintain, inspect, repair, renew, remove, add to the number of, and relocate at will, poles, with wires, cables, crossarms, guys, anchors, grounding systems and all other appurtenant equipment and fixtures, underground conduits, ducts, vaults, cables, wires transformers, pedestals, risers, pads, fixtures, and appurtenances (hereinafter called "Appalachian's Facilities"), and string wires and cables, adding thereto from time to time, in, on, along, over, through, across and under the above referred to premises; the right to cut down, trim, clear, and/or otherwise control, and at Appalachian's option, remove from said premises, any trees, shrubs, roots, brush, undergrowth, overhanging branches, buildings or other obstructions which may endanger the safety of, or interfere with the use of, Appalachian's Facilities; the right to disturb the surface of said premises and to excavate thereon; and the right of ingress and egress to and over said above referred to premises, and any of the adjoining lands of the Grantor at any and all times, for the purpose of exercising and enjoying the rights herein granted, and for doing anything necessary or useful or convenient in connection therewith.

It is understood and agreed between the parties hereto, that the Grantors reserve the right to use said lands in any way not inconsistent with the rights herein granted.

TO HAVE AND TO HOLD the same unto Appalachian Power Company, its successors, assigns, lessees and tenants.

It is agreed that the foregoing is the entire contract between the parties hereto, and that this written agreement is complete in all its terms and provisions.

"NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying."

IN WITNESS WHEREOF, Grantor has caused its corporate name and seal to be hereto affixed the day and year first above written.

Accepted pursuant to the Code of Virginia (15.2 - 1803) on behalf of The City of Lynchburg by authority granted by City Council, approved as to form:

BY _____
Walter C. Erwin, III
City Attorney

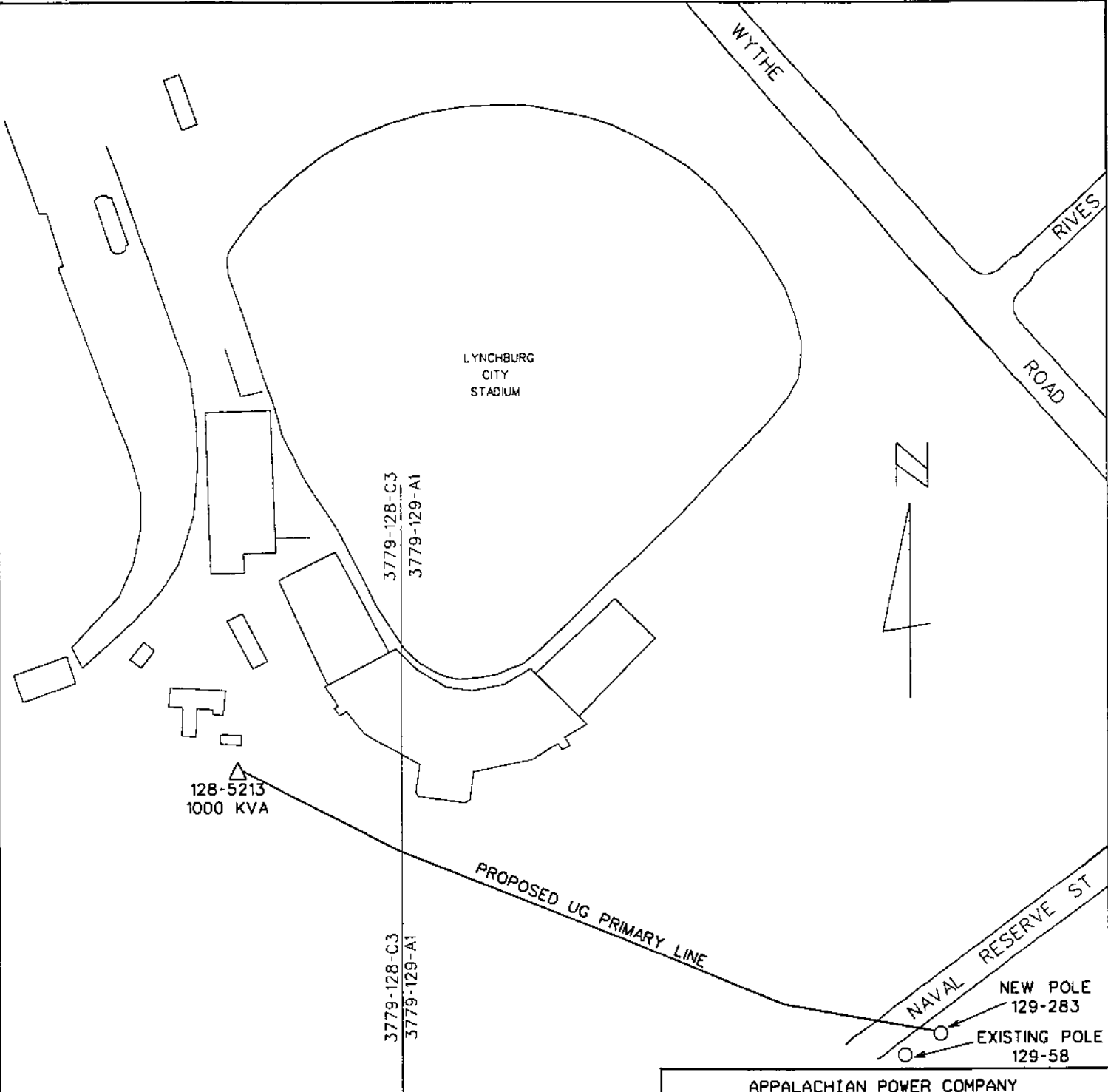
BY _____
L. Kimball Payne, III
City Manager

STATE OF _____)
COUNTY OF _____) To-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2002, by Walter C. Erwin, III, City Attorney and L. Kimball Payne, III, City Manager on behalf of The City of Lynchburg, A Municipal Corporation of the Commonwealth of Virginia.

Notary Public/Commissioner

My Commission expires:



AEP MAP SECTIONS 3779-128/129
 TD 670010
 CITY OF LYNCHBURG

APPALACHIAN POWER COMPANY	
PROPOSED RIGHT OF WAY ON PROPERTY OF THE CITY OF LYNCHBURG MERRITT HUTCHINSON STADIUM	
DRAWN BY: TJM	DATE: 3-11-02
APP. BY: PAW	SCALE: NO SCALE
SHEET 1 OF 1	
DRAWING NO. V-1257	